

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR06-5419RBL
)	
vs.)	ORDER OF CONTINUANCE
)	OF TRIAL AND PRETRIAL
MARKUS V. MOORE,)	MOTIONS CUTOFF DATE
)	
Defendant.)	

Before this court is the defendant's motion for continuance of the trial which is presently scheduled to commence on September 5, 2006, and the pretrial motions cutoff date which is presently scheduled for July 28, 2006. The defendant requires additional time so that further work may be done on pretrial motions; so that witnesses may be located, interviewed and secured for testimony at trial; and that defendant may complete trial preparation. The defendant also requests the continuance based on defense counsel's schedule in that the defendant and counsel are scheduled to go to trial in United States District Court Case No. CR05-5823RBL on February 2, 2007, and that that case should take priority because of its complexity. The government has filed no opposition or objection to the present motion.

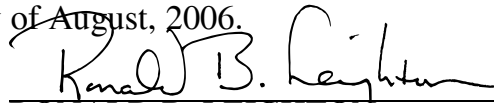
That the court finds, after a consideration of all relevant information and the circumstances of this case, that without this continuance the defendant will be prejudiced and the ability to properly prepare for trial would be impaired. Failure to grant a continuance under these

1 circumstances would result in a miscarriage of justice. The ends of justice would best be served
2 by the granting of the motion for continuance. The ends of justice outweigh the best interests of
3 the public and the defendant in having the matter brought to trial sooner. For these reasons, the
4 court finds the defendant's motion for continuance should be granted. The trial scheduled for
5 September 5, 2006 is VACATED. Trial shall be RESCHEDULED TO **APRIL 16, 2007 at 9:00**
6 **AM** in Tacoma, Washington, and the pretrial motions cutoff date scheduled for July 28, 2006 is
7 VACATED. The pretrial motions cutoff date shall be RESCHEDULED TO **March 12, 2007**
8

9 Any and all period of delay resulting from the granting of this continuance, from the date
10 of the filing of the defendant's motion until the date of the rescheduled trial, shall be excludable
11 time pursuant to 18 U.S.C. 3161(h)(1)(F) and (h)(8)(A).
12

13 IT IS SO ORDERED.

14 IT IS SO ORDERED this 24th day of August, 2006.



15 RONALD B. LEIGHTON

16 UNITED STATES DISTRICT JUDGE

17 Digitally Signed upon oral authorization (JAB)

18 Presented by:

19 LAW OFFICE OF
20 ZENON PETER OLBERTZ
21 Attorney for Defendant

22 /s/

23 By: _____
24 Zenon P. Olbertz
25 WSB #6080

26 Approved as to form:

27 /s/ Per Telephone Call of 8/23/06

By: _____
Gregory Gruber
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 23rd, 2006, I electronically filed the foregoing Proposed Order of Continuance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory A. Gruber
Assistant U.S. Attorney
United States Attorney's Office
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402-4305

I hereby certify that on August 23rd, 2006, I mailed the foregoing Proposed Order of Continuance to the following:

Markus V. Moore
Reg. #36546-086
FDC at Sea Tac
P.O. Box 13900
Seattle, WA 98198

DATED this 23rd day of August, 2006.

/s/

Sarah M. Heckman
Legal Assistant